

Notice of Allowability

Application No.

10/626,399

Examiner

Jimmy G. Foster

Applicant(s)

GLENN, DAVID R.

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 24 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

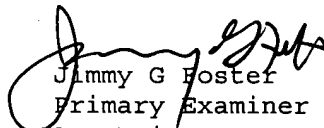
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EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Although it is known from the reference of Dahl (2,738,890) to provide the combination, including an outer insulated bottle (10), a cup (26) in the outer bottle, an inner bottle (36) in the outer bottle, adapted to be received in the cup, an inner cap (36) likely adapted to water-tightly seal the inner bottle, and an outer cap 14 adapted to perhaps form a water-tight seal at the top of the outer bottle when used with the cup, there is no appropriate teaching for making the cup of Dahl with radial fins or for making the side wall with radial inwardly protruding fins. While the reference of Benson (634,868) suggests providing fins for a cup in an outer container, the space provided by the fins is for a different purpose, which is to permit drained liquid from coolant in the upper closure to move into and then out of the outer container (2). Inasmuch as it is the intention of Dahl to hold a refrigerant around the cup and inner bottle, and inasmuch as the outer cap of the present claims is adapted to seal the outer bottle so as to make the outer bottle water-tight, it would not have been obvious to make the cup of Dahl with fins for the reason of Benson or Dahl. While the reference of Howard et al (4,746,017) suggests making the interior of the inner wall of an outer bottle with fins (32,45) for forming a cushioning air space between the inner and outer bottles to protect the inner bottle from breakage, the teaching is insufficient to suggest what should be done further with respect to a cup, especially, as with Dahl, when the space is intended to be used for a refrigerant such as ice (a solid) instead of air.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Jimmy G Foster
Primary Examiner
Art Unit 3728

JGF

23 June 2005